

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GAYLE BROWN,	:	<b>CASE NO. 1:11-CV-1607</b>
	:	
Plaintiff	:	(Magistrate Judge Smyser)
	:	
v.	:	
	:	
	:	
APOTHAKE & ASSOCIATES, P.C.,	:	
	:	
Defendant	:	

**ORDER REFERRING CASE TO MEDIATION**  
**AND APPOINTING MEDIATOR**

In accordance with the Civil Justice Reform Act of 1990 Expense and Delay Reduction Plan of the United States District Court for the Middle District of Pennsylvania and the agreement of the parties in accordance with the rules governing mediation set forth in Chapter VI of the Rules of the Middle District of Pennsylvania, **IT IS HEREBY ORDERED THAT:**

**(a) Referral to Mediation:** This case shall be referred to the mediation process in an attempt to achieve an equitable settlement of the issues. The following individual is hereby appointed by the Court to serve as a mediator in this action:

Alan R. Boynton, Esquire  
McNees, Wallace & Nurick  
100 Pine Street, Box 1166  
Harrisburg, PA 17108

(717) 232-8000

aboynton@mwn.com

**(b) Scheduling and Conduct of Mediation Conference(s):**

The mediation conference(s) shall be scheduled and conducted in accordance with Rules 16.8.5 and 16.8.6 of the Middle District. The mediation session shall take place within the next sixty (60) days. The time, date, and location of the conference shall be set by the mediator.

**(c) General Rules Governing the Mediation Conference:**

All counsel and the mediator are to become familiar with Chapter VI, ALTERNATIVE DISPUTE RESOLUTION, of the Local Rules for the U.S. District Court, Middle District of Pennsylvania.

**(d) Compensation of the Mediator:**

In accordance with Rule 16.8.3 of the Middle District, the first six hours of the services of the mediator shall be provided pro bono. The parties shall refer to Local Rule 16.8.3 to be informed of provisions for mediator compensation beyond six hours.

**/s/ J. Andrew Smyser**

J. Andrew Smyser  
Magistrate Judge

Dated: January 10, 2012.

**MEDIATION REPORT**

In accordance with the Court's mediation order, a mediation conference was held on \_\_\_\_\_, and the results of that conference are indicated below:

(a) The following individuals, parties, corporate representatives, and/or claims professionals attended and participated in the mediation conference, and each possessed the requisite settlement authority:

\_\_\_\_\_ All individual parties and their counsel.

\_\_\_\_\_ Designated corporate representatives.

\_\_\_\_\_ Required claims professionals.

\_\_\_\_\_ Other (Describe). \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(b) The following individuals, parties, corporate representatives, and/or claims professionals failed to appear and/or participate as ordered:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) The outcome of the mediation conference was:

\_\_\_\_\_ **The case has been completely settled.** Counsel will promptly notify the court of settlement by the filing of a settlement agreement signed by the parties and the mediator within ten (10) days of this report.

\_\_\_\_\_ **The case has been partially resolved.** Counsel have been instructed to file with the court, a joint

stipulation regarding those claims which have been resolved within ten (10) days of this report. The following issues remain for this court to resolve:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ The parties have reached an impasse.

Done this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Mediator

\_\_\_\_\_  
Name of Mediator

Phone: \_\_\_\_\_